

§ 178.1

APPENDIX B TO PART 178—ALTERNATIVE
LEAKPROOFNESS TEST METHODS

APPENDIX C TO PART 178—NOMINAL AND MIN-
IMUM THICKNESSES OF STEEL DRUMS AND
JERRICANS

APPENDIX D TO PART 178—THERMAL RESIST-
ANCE TEST

APPENDIX E TO PART 178—FLAME PENETRA-
TION RESISTANCE TEST

AUTHORITY: 49 U.S.C. 5101–5128; 49 CFR 1.53.

§ 178.1 Purpose and scope.

This part prescribes the manufac-
turing and testing specifications for
packaging and containers used for the
transportation of hazardous materials
in commerce.

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ignated by Amdt. 178–97, 55 FR 52715, Dec. 21,
1990]

§ 178.2 Applicability and responsi- bility.

(a) *Applicability.* (1) The requirements
of this part apply to packagings manu-
factured—

(i) To a DOT specification, regardless
of country of manufacture; or

(ii) To a UN standard, for packagings
manufactured within the United
States. For UN standard packagings
manufactured outside the United
States, see §173.24(d)(2) of this sub-
chapter. For UN standard packagings
for which standards are not prescribed
in this part, see §178.3(b).

(2) A manufacturer of a packaging
subject to the requirements of this part
is primarily responsible for compliance
with the requirements of this part.
However, any person who performs a
function prescribed in this part shall
perform that function in accordance
with this part.

(b) *Specification markings.* When this
part requires that a packaging be
marked with a DOT specification or UN
standard marking, marking of the
packaging with the appropriate DOT or
UN markings is the certification that—

(1) Except as otherwise provided in
this section, all requirements of the
DOT specification or UN standard, in-
cluding performance tests, are met;
and

(2) All functions performed by, or on
behalf of, the person whose name or
symbol appears as part of the marking
conform to requirements specified in
this part.

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(c) *Notification.* (1) Except as specifi-
cally provided in §§178.337–18 and
178.345–10 of this part, the manufac-
turer or other person certifying com-
pliance with the requirements of this
part, and each subsequent distributor
of that packaging must:

(i) Notify each person to whom that
packaging is transferred—

(A) Of all requirements in this part
not met at the time of transfer, and

(B) With information specifying the
type(s) and dimensions of the closures,
including gaskets and any other com-
ponents needed to ensure that the
packaging is capable of successfully
passing the applicable performance
tests. This information must include
any procedures to be followed, includ-
ing closure instructions for inner pack-
agings and receptacles, to effectively
assemble and close the packaging for
the purpose of preventing leakage in
transportation. Closure instructions
must provide for a consistent and re-
peatable means of closure that is suffi-
cient to ensure the packaging is closed
in the same manner as it was tested.
For packagings sold or represented as
being in conformance with the require-
ments of this subchapter applicable to
transportation by aircraft, this infor-
mation must include relevant guidance
to ensure that the packaging, as pre-
pared for transportation, will with-
stand the pressure differential require-
ments in §173.27 of this subchapter.

(ii) Retain copies of each written noti-
fication for the amount of time that
aligns with the packaging's periodic
retest date, *i.e.*, every 12 months for
single or composite packagings and
every 24 months for combination pack-
agings; and

(iii) Make copies of all written noti-
fications available for inspection by a
representative of the Department.

(2) The notification required in ac-
cordance with this paragraph (c) may
be in writing or by electronic means,
including e-mailed transmission or
transmission on a CD or similar device.
If a manufacturer or subsequent dis-
tributor of the packaging utilizes elec-
tronic means to make the required no-
tifications, the notification must be
specific to the packaging in question
and must be in a form that can be